

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HEARTS ON FIRE COMPANY, LLC,

Plaintiff,

v.

EIGHTSTAR DIAMOND COMPANY and
GRS JEWELERS, INC.,

Defendants.

Civil Action No. 04 12258-JLT

CONSENTED MOTION FOR
ENLARGEMENT OF TIME
TO SERVE RESPONSIVE PLEADINGS
F.R.Civ.P. 6(b)

Defendant, Eightstar Diamond Company herewith moves the Court pursuant to Rule 6 of the Federal Rules of Civil Procedure, for an order extending until and including June 9, 2005, the time within which Defendant GRS Jewelers, Inc. d/b/a Grimball & Stokes Jewelers a/k/a Grimball Jewelers ("Grimball"), may file its motions to dismiss or otherwise respond to the Plaintiff's Amended Complaint, expressly reserving and retaining until that time the right to file all defenses and objections permitted under F.R.Civ.P. 12, including, but not limited to, lack of jurisdiction over the person, improper venue, insufficiency of process, and insufficiency of service of process.

Counsel for the parties, including Defendant's North Carolina counsel, have conferred and agreed that Defendant GRS Jewelers, Inc. d/b/a Grimball & Stokes Jewelers a/k/a Grimball Jewelers ("Grimball") should have additional time within which to file its motions to dismiss for lack of jurisdiction and venue and to otherwise respond to the Amended Complaint recently served upon said Defendant.

A copy of the Summons and Complaint was mailed to GRS Jewelers on or about April 19, 2005 and was received by someone on or about April 20 or April 21, 2005. GRS Jewelers has advised counsel for Plaintiff that it only recently retained counsel in North Carolina

concerning this matter, has not yet obtained local counsel in Massachusetts, and needs additional time to obtain local counsel and for its counsel to investigate the underlying facts including those relating to service and to discuss this matter with Plaintiff and with the other defendant in this action.

This motion is requested in order to permit such activities and to enable the filing of an appropriate response. This motion is made in good faith and not for the purpose of delay.

NOW THEREFORE and for the above-stated reasons, with the assent of all parties, and for good cause shown, the Court is respectfully requested to grant this Motion to enlarge the time within which GRS Jewelers may serve its Answer or otherwise respond to the Amended Complaint, to and including June 9, 2005.

EIGHTSTAR DIAMOND COMPANY

By its attorneys,

/s/ Sean T. Carnathan
Sean Carnathan, Esq. (BBO #636889)
Quigley, O'Connor and Carnathan LLC
8 New England Executive Park, Suite 310
Burlington, MA 01803
Telephone: (617) 292-2518

Dated: May 10, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document has been served upon GRS Jewelers, Inc. by depositing a true and complete copy thereof in the United States mail, first class postage prepaid, addressed as set forth below:

GRS Jewelers, Inc. d/b/a Grimball & Stokes Jewelers a/k/a Grimball Jewelers
79 S. Elliott Road
Chapel Hill, NC 27514

With a courtesy copy to North Carolina counsel for GRS Jewelers, Inc., as follows:

Susan Freya Olive
Olive & Olive, P.A.
500 Memorial Street
P.O. Box 2049
Durham, NC 27702

This the 10th day of May, 2005.

/s/ Sean T. Carnathan
Sean Carnathan, Esq.